

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 10, 2003
HUGHES AUDITORIUM
6:30 P.M.

CALL TO ORDER

Mayor Jennings called the meeting to order at 6:52 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley, Councilmembers Sharon Barovsky, Joan House and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Drew Purvis, Planning Director; Rick Morgan, Acting Public Works Director; Paul Adams, Parks and Recreation Director; Julia James, Administrative Services Director; Vic Peterson, Building Official; Pete Lippman, City Treasurer; Barbara Cameron, Grant Consultant; and Lisa Pope, City Clerk

FLAG SALUTE

Boy Scout Troop # 224 led the Pledge of Allegiance.

CLOSED SESSION REPORT

Public Comment on Closed Session Items

None.

City Attorney Hogin reported that the Council met in Closed Session at 5:40 p.m. to discuss the following items:

Existing litigation per Government Code Section 54956.9 (a):

1. Cher v. City of Malibu
Los Angeles County Superior Court Case No. SS10632
2. Chicksands Properties LTD. v. City of Malibu et al.
Los Angeles County Superior Court Case No. BS072081
3. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)
Los Angeles County Superior Court Case No. BC230410
4. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)
Los Angeles County Superior Court Case No. SS011355
5. City of Malibu v. California Coastal Commission (AB988 / LCP)
Los Angeles County Superior Court Case No. SC074641
6. City of Malibu / Geffen v. Access for All / Coastal Commission et al

- Los Angeles County Superior Court Case No. BC277034
7. City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center)
Ventura County Superior Court Case No. CIV193900
 8. United States of America ex rel. Darian v. Accent Builders inc. et al.
United States District Court Case No. 00-10255-FMC(JWJx)
 9. Keach v. City of Malibu
Los Angeles County Superior Court Case No. SS009723
 10. Land Use Preservation Defense Fund v. California Coastal Commission (LUP/City is Real Party in Interest)
Los Angeles County Superior Court Case No. SS011388
 11. Malibu Township Council v. City of Malibu II (28-car garage)
Los Angeles County Superior Court Case No. BS079965
 12. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Sacramento Superior Court) (Amicus)
 13. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
 14. Sprint v. City of Malibu et al
United States District Court Case No. SACV02660 DOC (MLGx)
 15. Sweeney et al v. California Coastal Commission (LCP/City is Real Party in Interest)
Los Angeles County Superior Court Case No. SS011387
 16. Taxpayers for Livable Communities; Jay Liebig v. City of Malibu
Los Angeles County Superior Court Case No. BC258432
 17. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585
 18. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794
 19. City of Arcadia, et al. v. Regional Water Quality Board, et al.
Los Angeles County Superior Court Case Nos. BS080807, BS080548, SO80753, BS080758, BS080791

Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):

20. Number of Cases: 1

Initiation of Litigation pursuant to Government Code Section 54956.9(c):

21. Number of cases: 3

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

22. Property APN: 4458-018-002, 018, 019
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Roy E. Crummer
23. Property APN: 4458-021-005 and 4458-022-012
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Tom Fitzpatrick

Personnel Matters

24. Public Employment

Title: Public Works Director

City Attorney Hogin reported that the Council convened at 5:40 p.m. and discussed some but not all items listed on the agenda due to time.

She stated the Council took one reportable action to accept the settlement offer by the Santa Monica Mountains Conservancy to settle the attorney's fees motion for \$175,000 in the case of City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center) Ventura County Superior Court Case No. CIV193900 (counsel for both parties will prepare the written agreement).

APPROVAL OF AGENDA

MOTION

Mayor Pro Tem Kearsley moved and Mayor Jennings seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was posted on January 30, 2003, with the amended agenda posted on February 7, 2003.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2A. PUBLIC COMMENTS

Gerald Katz addressed the Council in support of Bruce Darian and litigation related to the Malibu Pier.

Bruce Darian discussed construction of the Malibu Pier and alleged scandal.

Mona Loo announced the formation of the Malibu Coalition of Citizens for Peace and the peace rally to be held on February 22, 2003, 1:00 – 3:00 p.m. at the Civic Center. She requested the City Council adopt a resolution urging and supporting implementation of a peaceful alternative to war with Iraq.

B. COUNCIL COMMENTS

Councilmember Barovsky stated the City of Malibu did not have any authority in construction of the Malibu Pier.

Mayor Pro Tem Kearsley reiterated that the City had nothing to do with the Pier construction. He announced that the City's adopted Alpha Company 101st Airborne was deployed to the Middle East. He announced Chumash Day to be held April 27, 2003, 9:00 a.m. – 6:00 p.m., Bluffs Park. He indicated support for Ms. Loo's suggested resolution.

Councilmember House announced that the Court ruled to throw out the case against the employees at Ralph's supermarket. She stated the City did not control the Pier. She stated the only involvement the City hoped to have was related to the Pier concessionaire. She suggested the City carefully consider its involvement in war issues.

Councilmember Stern indicated support for placing a resolution related to the war on a future agenda.

CONSENSUS

By consensus, the Council directed staff to bring back a resolution regarding peaceful resolve for the war in Iraq.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.7. was pulled by the public. Councilmember House pulled Item No. 3.B.9. Mayor Jennings pulled Item No. 3.B.8.

MOTION

Councilmember Barovsky moved and Councilmember Stern seconded a motion to approve Item Nos. 3.A.1., 3.B.1., 3.B.2., 3.B.3., 3.B.4., 3.B.5., 3.B.6., and 3.B.10. The motion carried unanimously.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
 - 1. Second Reading and Adoption of Ordinance No. 244 Amending the Park Ordinance to Establish Rules and Regulations Related to the Use and Operation of City of Malibu Park and Recreational Facilities
Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 244.
- B. New Items
 - 1. Waive further reading
Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
 - 2. Approve Warrants
Staff recommendation: To allow and approve warrant demand numbers 21138 through 21267 listed on the register from the General Fund and

direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 277 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$419,964.52. ADP payroll voucher numbers 1529643 – 1529660 were issued in the amount of \$101,468.09.

3. Discontinue the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

Staff recommendation: Discontinue the State of Local Emergency by minute order.

4. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on January 13, 2003 relating to the Pacific (Trancas area) Fire

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

5. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes for the regular City Council meetings held on January 13, 2003 and January 27, 2003.

6. Denial of Claim for Damages filed by Toby Michael Lankford

Staff recommendation: Deny the claim filed by Toby Michael Lankford.

10. Development and Implementation of a Comprehensive Environmental Outreach and Communications Strategy

Staff recommendation: Select Edelman to assist the City for three months to develop and implement a comprehensive environmental outreach and communications strategy and authorize the City Manager to execute a professional services agreement.

The following items were pulled from the Consent Calendar for individual consideration:

ITEM 3.B.7. Adoption of Investment Policy 2003

Staff recommendation: Adopt Resolution No. 03-05 approving the Statement of Investment Policy for calendar year 2003, and delegating to the City Treasurer / Auditor the responsibility and authority to invest surplus funds for a one-year period.

John Mazza provided suggested modifications to the Investment Policy regarding authorized investments.

City Treasurer Lippman explained the Authorized Investments.

MOTION Councilmember House moved and Councilmember Barovsky seconded a motion to adopt Resolution No. 03-05 approving the Statement of Investment Policy for calendar year 2003, and delegating to the City Treasurer / Auditor the

responsibility and authority to invest surplus funds for a one-year period. The motion carried unanimously.

ITEM 3.B.8. Initiation of Proceeding to Vacate Public Street Easement on Zumirez Drive (South of Wildlife Avenue) to the Lower Zumirez Homeowners' Road Association

Staff recommendation: Adopt Resolution No. 03-07 to initiate proceedings to vacate public street easement on Zumirez Drive (south of Wildlife Avenue) to the Lower Zumirez Homeowners' Road Association and set the date, time and place for the required Public Hearing as March 10, 2003, 6:30 p.m., in the Council Chambers.

Robert Adler encouraged the Council to accept the vacation of Zumirez Drive.

Mayor Jennings asked the rationale for requesting street vacation and the effect to public use of the street, public parking, and gating of the street. Dr. Adler explained that the street was a cul de sac and there was not generally public use of the street. He indicated there had never been public parking on Zumirez. He stated gating was not proposed. He explained that the residents wanted to take the privacy of their street. City Engineer / Acting Public Works Director Morgan reiterated that there was presently no public parking allowed. He stated privatization would reduce the City's maintenance expense.

MOTION Councilmember Stern moved and Councilmember House seconded a motion to adopt Resolution No. 03-07 to initiate proceedings to vacate public street easement on Zumirez Drive (south of Wildlife Avenue) to the Lower Zumirez Homeowners' Road Association and set the date, time and place for the required Public Hearing as March 10, 2003, 6:30 p.m., in the Council Chambers. The motion carried unanimously.

ITEM 3.B.9. Accept Offer of Volunteer Services for Design of Trancas Park

Staff recommendation: 1) Authorize staff to negotiate and execute an agreement for volunteer services with Ed Niles to prepare concept designs for Trancas Park based upon the criteria developed by the Parks & Recreation Commission through public workshops and approved by Council at it's June 24, 2002 meeting, 2) Appropriate \$39,153 of Parkland Fee funds to the capital improvement fund (310-9032-7902) to be reimbursed by Proposition 12 Per Capita Funds to complete topographic, survey and geologic work needed and other studies required to complete the concept designs and future studies required for CEQA, and 3) Adopt Resolution No. 03-08 approving the application for grant funding from the California Department of Parks and Recreation Roberti-Z'berg-Harris Urban Open Space and Recreation Block Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for Trancas Canyon Park acquisition and development.

In response to Councilmember House, Parks and Recreation Director Adams explained the services to be provided by Mr. Niles.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to 1) Authorize staff to negotiate and execute an agreement for volunteer services with Ed Niles to prepare concept designs for Trancas Park based upon the criteria developed by the Parks & Recreation Commission through public workshops and approved by Council at its June 24, 2002 meeting, 2) Appropriate \$39,153 of Parkland Fee funds to the capital improvement fund (310-9032-7902) to be reimbursed by Proposition 12 Per Capita Funds to complete topographic, survey and geologic work needed and other studies required to complete the concept designs and future studies required for CEQA, and 3) Adopt Resolution No. 03-08 approving the application for grant funding from the California Department of Parks and Recreation Roberti-Z'berg-Harris Urban Open Space and Recreation Block Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for Trancas Canyon Park acquisition and development. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Approval of use of Community Development Block Grant (CDBG) Funds for the purpose of purchasing furniture, fixtures, and equipment for the Senior Center
Staff recommendation: Approve use of CDBG funds for purchase of furniture, fixtures and equipment for Senior Center.

Administrative Services Director James presented the staff report.

City Manager Lichtig discussed the progress of senior center construction.

Councilmember House asked the anticipated date for use of the senior center and Council Chambers. City Manager Lichtig anticipated the Council could meet in the new chambers on March 10, 2003. She discussed the City's Birthday party and open house to be held at the new City Hall.

Mayor Pro Tem Kearsley asked if there was money left for additional equipment. Les Moss, Blue Ribbon Committee, discussed the proposed equipment. Mayor Pro Tem Kearsley thanked the Blue Ribbon Committee for their work on the project.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to approve use of CDBG funds for purchase of furniture, fixtures and equipment for Senior Center. The motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Bond Committee Recommendation

Staff recommendation: Consider the Bond Measure Advisory Committee's (the "Committee") recommendation to place a \$15,000,000 bond measure on the ballot in June 2003. If Council decides to place this bond measure on a June ballot, then it must 1) select bond language, either that recommended by the Committee or alternate language; 2) select the term of bond maturity; 3) adopt Resolution No. 03-09 determining that the public interest requires the bond measure, 4) after City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 245, calling for the election; and 5) direct staff to schedule second reading and adoption of Ordinance No. 243 on February 24, 2003; and 6) direct staff to return with all other necessary actions on February 24, 2003. If the Council does not wish to place this bond measure on a ballot, it may take no action on this item.

Parks and Recreation Director Adams presented the staff report.

John Mazza provided suggested language for a bond measure allowing more flexibility to properties for purchase and location of a community center.

John Harlow provided suggested modifications to the bond language. He suggested the bond measure be placed on the June 2003 ballot.

Emily Harlow discussed the recreation provided by the Pacific Ocean. She suggested the City Parks and Recreation Department include classes utilizing the Pacific Ocean.

Gina Burrell deferred her time to Deirdre Roney.

Laura Rosenthal deferred her time to Deirdre Roney.

Deirdre Roney discussed the future of Malibu for its children. She discussed the School District's measure on the June 2003 ballot. She discussed the available election dates for a City bond measure. She suggested utilizing a mail ballot assessment district procedure for the City's bond measure. She requested postponing the bond measure until after June 2003 and to allow a consultant or City staff to explore the possibility of a mail ballot.

Ted Vaill encouraged striking the word "then" from the bond language. He urged the Council to put the bond measure on the June 2003 ballot.

Dermot Stoker discussed the Bond Advisory Committee and thanked City staff for their assistance. He stated it was important to choose a date for the election. He indicated support for a June 2003 election date.

Mona Loo, Bond Advisory Committee member, explained why she abstained from recommending an election date for a City bond measure. She indicated support for investigating the use of a mail ballot.

In response to Councilmember Barovsky, Mr. Harlow and Mr. Vaill indicated support for a June 2003 City bond measure. Councilmember Barovsky expressed concern that the vote and campaign workers might be split if the City's bond measure went on a June 2003 ballot along with a School District measure.

Mayor Pro Tem Kearsley echoed Councilmember Barovsky's remarks. He discussed the dire situation in the schools and stated the first responsibility was to children. He indicated support for delaying the park bond until November 2003.

Councilmember House suggested determining whether the election would be deferred until after June 2003. She indicated support for a stand alone election in June for the School District bond measure.

Councilmember Stern indicated support for a stand alone School District election in June 2003.

Mayor Jennings stated he was not in favor of a park bond measure being on the ballot at the same time as the Malibu Bay Company development. He discussed the possibility of a mail ballot election and suggested exploration. He stated he envisioned the School District measure in June and a park ballot at the end of September.

MOTION Councilmember Barovsky moved and Mayor Pro Tem Kearsley seconded a motion to direct the bond committee to continue in its present configuration to explore mail ballot options (Prop 218) and provide a recommendation to the Council. The motion carried unanimously.

Councilmember House stated it was necessary to obtain clear information on Proposition 218 mail ballots.

B. Revised Film Permit Procedures

Staff recommendation: 1) Approve the Filming Ad-Hoc Committee's recommendation on obtaining signatures; and 2) Consider the alternatives and approve procedure for extension of film permits beyond the 14-day limit.

Administrative Services Director James presented the staff report.

John Mazza commended Councilmember Barovsky and Councilmember Stern for their efforts on establishing procedures for issuance of film permits. He suggested neighbors within 1000 feet of a film site, on a street with no outlet be notified. He urged the Council to approve Recommendation No. 1 limiting

filming to 14 days. He discussed closure of Pacific Coast Highway for filming purposes.

Arieh Szigeti, PAECO, stated residents needed to be respected. He stated filming provided revenue to homeowner's associations.

Robert Davis, PAECO, discussed the Constitutional rights of privacy. He discussed the revenue provided by filming.

Rita Wagner discussed the income she received by allowing filming at her home.

Ahmad Yaghtin discussed filming at his home. He stated he did not allow his neighbors to be disturbed.

Robin de la Buenafe, Malibu Locations, read letters from homeowners supporting maintaining the current filming policies.

Diana Klein, owner of Malibu Locations, discussed filming in Malibu. She suggested filming not be limited and problems be resolved on a case by case basis.

Todd Christensen, representing location managers, discussed the filming industry. He stated a majority of support by residents for a film location was reasonable.

Keith Lehrer stated government should not interfere with the use of a private residence. He urged the Council to reject the idea of restricting a homeowner's right to use his or her home.

Cameron McIntyre, California Film Commission (CFC), presented the Council with a letter from the President of the Film Commission. He expressed concern regarding the requirement for 100% signature compliance. He suggested lowering the requirements to a majority to allow greater flexibility. He stated CFC does not fully support either of the two options. He suggested, if the Council adopts the guidelines, they be implemented on a 3 month temporary basis and then reviewed.

City Attorney Hogin explained that staff was requesting Council direction and revised guidelines would be brought back to Council for adoption.

Councilmember Stern stated it was difficult to compare Malibu to other cities. Ms. Collins explained that Malibu issued between 700 – 800 film permits per year. She stated Calabasas had issued 10 permits since July 2002. Councilmember Stern explained why the ad hoc committee recommended 100% approval by contiguous properties. He explained the proposal limiting filming to 14 days.

In response to Councilmember Barovsky, Ms. Collins explained that the City was not allowed to make money on film permits. Councilmember Barovsky discussed complaints received regarding privacy disturbances due to filming. She discussed the 14 day limit on filming. She asked about filming on Pacific Coast Highway. Ms. Collins explained that Pacific Coast Highway permits were issued by Caltrans. Councilmember Barovsky asked the number of complaints received regarding filming. Ms. Collins stated 2 complaints had been received that were brought to the City Council. She explained complaints received that were handled administratively.

Councilmember House thanked the filming ad hoc committee. She explained that the film procedures limiting filming to 14 days had been in effect for several years. She expressed frustration with use of helicopters and suggested restricting take-off and landings to 3 rather than 4. She suggested use of helicopters be noticed to residents within a one mile radius from the location.

Mayor Pro Tem Kearsley asked the hours for prep and strike days. Ms. Collins stated prep and strike hours were from 7:00 a.m. to 10:00 p.m. Mayor Pro Tem Kearsley discussed the disturbance created by film crews. He discussed the large amount of filming in Malibu. He indicated support for Option 1.

In response to Mayor Jennings, Ms. Collins explained the past practice regarding film permits. Mayor Jennings explained that the consensus approach turned a city function of licensing into a neighborhood function. City Attorney Hogin explained that the State of California has a goal of keeping filming within California. She explained that permit issuance was a government act. She discussed the problem with allowing a neighborhood to have veto power, sell consent, and hold other property owners hostage. She stated it was necessary to have an appeal process to some government official (Planning Commission, City Council or City Manager) if neighborhood consent was not obtained. Mayor Jennings stated he had questioned the average shoot length which Ms. Collins indicated was generally less than 14 days.

Mayor Jennings discussed the Redondo Beach filming requirements.

The Council discussed proposed modifications to the film guidelines.

MOTION Mayor Jennings moved and Councilmember Barovsky seconded a motion to direct staff to revise the Film Permit Procedures and (amend the related ordinance) with the following changes:

- 1) Modify Section 7, Maximum Number of Filming Days Allowed, to incorporate the following sentence into Option 2: "The only extension to the fourteen day rule is due to acts of God, force majeure, etc.";

- 2) Revise Section 18, Permit Appeals, to incorporate noticing of residents within a 500-foot radius; and
- 3) Revise Section 18, Permit Appeals, to make the Planning Commission the appellant body.

AMENDMENT

Councilmember House moved and Councilmember Stern seconded a motion to direct staff to amend the procedures to limit helicopters to 3 take offs and landings per shoot. The motion carried 4-1, Mayor Jennings dissenting.

The amended motion carried unanimously.

MOTION Mayor Jennings moved to review the procedures after a 6 month period. The motion died due to lack of a second.

RECESS Mayor Jennings called a recess at 9:03 p.m. The meeting reconvened at 9:10 p.m. with all Councilmembers present.

C. Community Sign Board on PCH at Webb Way

Staff recommendation: Adopt Resolution No. 03-06 approving the installation of three permanent wooden sign boards on the north-west corner of Pacific Coast Highway and Webb Way for posting of community event signage.

City Engineer / Acting Public Works Director Morgan presented the staff report.

Mary Lou Blackwood, Pacific Coast Highway Beautification Committee, introduced the committee. She explained the Pacific Coast Highway Beautification proposal and presented a conceptual drawing of the proposed plans.

In response to Councilmember Barovsky, City Engineer / Acting Public Works Director Morgan explained the means for determining the types of signs to be displayed.

Michael Vignieri explained the provision regarding determination of acceptable signs.

Councilmember Barovsky stated the staff report indicated the Chamber of Commerce would receive permits and determine which signs could be displayed.

Mayor Jennings asked about various signs and whether they would be permitted or not. Mr. Vignieri and Ms. Blackwood responded.

Councilmember Barovsky suggested striking "patriotic" from Section 2.7 of the resolution.

Councilmember House asked the process to be utilized by the Chamber. Christine Rodgers explained that the Chamber of Commerce would handle scheduling of sign displays and the Council would have to decide what signs could be displayed.

Councilmember House asked how noticing would be provided to the community regarding the new sign display. Ms. Rodgers explained the intent was to contact past users and explain the new provisions. She stated the new program could be noticed in the newspaper and on the City's website.

Mayor Pro Tem Kearsley indicated he enjoyed the eclectic sign corner.

City Attorney Hogin clarified that any signs outside the beautified structure would be subject to removal by the City.

Mayor Jennings asked why the Chamber could not enforce the sign corner. Ms. Rodgers explained that the City had the necessary resources to remove signs.

City Attorney Hogin explained that the City would remove signs that were not on the sign board, improperly affixed, or unpermitted.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to adopt Resolution No. 03-06 approving the installation of three permanent wooden sign boards on the north-west corner of Pacific Coast Highway and Webb Way for posting of community event signage.

AMENDMENT Councilmember Barovsky moved to amend the motion to strike "patriotic" from Section 2.7. The maker and seconder of the motion accepted the amendment.

AMENDMENT Mayor Jennings moved and Councilmember Barovsky seconded a motion to strike Section 4 from the resolution. The motion carried unanimously.

The amended motion carried unanimously.

- D. Comprehensive Local Coastal Program (LCP) Application – Review of Scenic and Visual Resources
Staff recommendation: Consider potential modifications to the September 2002 LCP and provide direction to the consultant for preparation of the LCP application.

Planning Director Purvis presented the staff report.

Don Schmitz stated it was necessary to avoid implementation of specific height limits.

Mary Ayerst expressed concern regarding view blockage caused by landscaping. She suggested language regarding native plants.

Norm Haynie expressed concern regarding the use of “minimize to the maximum extent feasible.”

John Staff discussed problems with his property application requiring a continuous 20% view corridor.

Anne Hoffman stated she did not think the Scenic and Visual Resources section was ready to be finalized.

Ted Vaill expressed concern regarding the use of the term “scenic resources.”

The Council discussed the Scenic and Visual Resources section and made the following changes to the LIP and LUP:

To amend the third paragraph of Land Use Plan Section A.2., Land Use Plan Provisions, to read as follows: “Scenic Elements. “Scenic elements” are defined as natural features of the landscape which exhibit a high scenic value. Landforms, areas of vegetation, and waterforms that are unique from the general landscape found throughout the Coastal Zone are considered to be “scenic elements.” These scenic elements are illustrated on Figure ___, and include the following:” (staff report page 5);

To remove the areas listed as scenic elements, in Land Use Plan Section A.2., Land Use Plan Provisions, which are outside the City of Malibu (staff report page 6);

To amend Land Use Plan Section A.2., Significant Ridgelines, to read as follows: “Significant Ridgelines. Significant ridgelines constitute a scenic resource of the Coastal Zone due to their high visibility from many vantage points. Ridgelines can be defined as the line separating drainage basins. Significant ridgelines are those whose ridge silhouettes the sky or the ocean, and whether those are clearly visible from scenic roads. Significant ridgelines are delineated on the Scenic Resources Map (Figure ____).” (staff report page 7);

To review Land Use Plan Section 2.A., Scenic Highways, to identify actual scenic roadways and to change “routes” to “public streets” (staff report page 7);

To define “maximum extent feasible”;

To amend Land Use Plan Section B, Coastal Act Policies, Section 30251, to indicate brush removal and fuel modification only applies to ESHAs (staff report page 11);

To define “scenic resources”;

To strike specific standards from Land Use Plan;

To add “significant” before “adverse impacts” throughout the Land Use Plan;

To remove “maximum” from Land Use Plan Section C.2., 6.7 (staff report page 13);

To clarify whether Land Use Plan Section C.2., 6.10 and 6.11 are limited to scenic areas (staff report page 14);

To quantify “visible” in Land Use Plan Section C.2., 6.13 (staff report page 14);

To amend Land Use Plan Section C.2., 6.14 to read as follows: “The height of permitted retaining walls shall not exceed six feet if they will be visible to the public or to the unobstructed view of adjoining neighbors. In such cases, stepped or terraced retaining walls up to a total of twelve feet in height, with planting in between, may be permitted. Where retaining walls will not be visible to the public or to the unobstructed view of adjoining neighbors, walls may be up to 18 feet in height.” (staff report page 15);

To strike 6.17.a. from Land Use Plan Section C.2., 6.17 (staff report page 15);

To delete specific numbers from Land Use Plan Section C.2., 6.18 (staff report page 16);

To strike Land Use Plan Section C.2., 6.20 (staff report page 16);

To revise the first sentence of Land Use Plan Section C.3., 6.24 to read as follows: “Land divisions and lot line adjustments, shall be designed to minimize impacts to visual resources by:” (staff report page 17);

To remove Land Use Plan Section C.4., 6.27, 6.28 and 6.29 and ensure provisions are included in the ESHA section (staff report page 18);

To amend Land Use Plan Section C.6., 6.36 to require co-locations and shared poles (staff report page 19);

To revise the first sentence of LIP Section 17.34.030, Standards for Determination, to read as follows: “All applications for Coastal Development

Permits located on scenic resources map shall be subject to an on-site investigation in order to determine whether the proposed project has the potential to cause significant adverse impacts upon Scenic Areas from or along Scenic Roads or Public Viewing Areas.” (staff report page 20);

To reconsider LIP Section 17.34.050.A.4. at a later time (staff report page 22);

To strike “maximum” before allowable height in LIP Section 17.34.050.B.1. (staff report page 22);

To revise LIP Section 17.34.050.B.5.a. as follows: “Acceptable colors shall be limited to colors compatible with the surrounding environment.” (staff report page 22);

To revise LIP Section 17.34.050.B.5.c. as follows: “All windows shall be comprised of non-mirrored glass.” (staff report page 22);

To make LIP Section 17.34.050.C.1.b consistent with State law (staff report page 23);

To amend LIP Section 17.34.050.C.4. consistent with Landscape Ordinance (staff report page 24);

To review LIP Section 17.34.060 with administrative regulations (staff report page 28);

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

- A. Malibu Municipal Code Section 17.04.120 – Applications – Filing
Mayor Jennings has requested the Council discuss the possibility of repealing Malibu Municipal Code Section 17.04.120 which prohibits the processing of an application for Planning Department approval if “a condition exists on the subject property in violation of this title or any permit, entitlement or approval granted pursuant hereto.”

Mayor Jennings presented the report.

MOTION Councilmember Barovsky moved and Mayor Pro Tem Kearsley seconded a motion to direct staff to bring back a resolution of intent to amend Malibu Municipal Code Section 17.04.120. The motion carried unanimously.

ADJOURN At 11:15 p.m., Councilmember Barovsky moved and Councilmember Stern seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of the City of Malibu
on May 27, 2003.

JEFFREY D. JENNINGS, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)